

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D04-0209-PL-001656

STATE OF INDIANA,)

Plaintiff,)

v.)

ACS, INTERNATIONAL, INC.,)

Defendant.)

FILED

JAN 14 2003

Diana A. Schaller
CLERK OF THE
MARION CIRCUIT COURT

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, has filed its Motion for Default Judgment. The Court has read the same and, being duly advised in the premises, now finds the following:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant.
2. The Defendant, ACS, International, Inc., was served with notice of these proceedings and a copy of the Complaint for Injunction, Restitution, Costs, and Civil Penalties more than twenty-three days ago.
3. The Defendant has failed to appear, plead, or otherwise properly respond to the complaint.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, ACS, International, Inc., and that the Defendant, its agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following conduct in violation of Ind. Code §23-7-8-1 et seq.:

1. acting as a professional solicitor for a charitable organization unless Defendant has first registered with the Consumer Protection Division, Office of the Attorney General ("Division");

2. in the course of acting as a professional solicitor, failing to have its contracts with charitable organizations filed with the Division before engaging in solicitations;

3. in the course of acting as a professional solicitor, failing to have contracts with charitable organizations that specify the percentage of gross contributions which the charitable organizations will receive or the terms upon which a determination can be made as to the amount of the gross revenue from the solicitation campaign that the charitable organizations will receive;

4. in the course of acting as a professional solicitor, failing to disclose the average percentage of gross contributions collected on behalf of charitable organizations that the charitable organizations received from Defendant for the three (3) years preceding the year in which the contract was formed;

5. in the course of acting as a professional solicitor, failing to file a solicitation notice with the Division before beginning a solicitation campaign, which must include the following:

- a. a copy of the contract with the charitable organization;
- b. the projected dates when soliciting will begin and end;
- c. the location(s) and telephone number(s) from where solicitations will be conducted;
- d. the name and residence address of each person responsible for directing and supervising the conduct of the campaign; and

e. a copy of the written authorization from a bona fide police, law enforcement, rescue squad, or fire department to use the name "police", "law enforcement", "trooper", "rescue squad", "firemen", or "firefighter" in the solicitation;

6. in the course of acting as a professional solicitor, failing to submit to the Division, not later than ninety (90) days after a solicitation campaign has ended, with the exception of a campaign for which a written authorization has been filed under Ind. Code §23-7-8-2(f)(5), the following information concerning the solicitation campaign:

a. the total gross amount of money raised by Defendant and the charitable organization from donors;

b. the total amount of money paid to or retained by Defendant;

c. the total amount of money, excluding the amount identified in 6b. above, paid by the charitable organization as expenses as part of the solicitation campaign; and

d. the total amount of money paid to or retained by the charitable organization after the amounts identified in 6b. and 6c. above are deducted;

7. in the course of acting as a professional solicitor, failing to file with the Division an update to the registration and a renewal fee of \$50.00 before July 2 of each year;

8. in the course of acting as a professional solicitor, failing to disclose in a written confirmation the fact that the person soliciting the contribution is, or is employed by, a professional solicitor, and the fact that the professional solicitor is compensated; and

9. in the course of acting as a professional solicitor, using the name "police", "law enforcement", "trooper", "rescue squad", "firemen", or "firefighter" unless a bona fide police, law enforcement, rescue squad, or fire department authorizes its use in writing.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that judgment is granted in favor of the Plaintiff, State of Indiana, and against the Defendant, ACS, International, Inc, as follows:

1. The Defendant shall pay the Office of the Attorney General its costs of investigating and prosecuting this action, pursuant to Ind. Code §23-7-8-8(c), in the amount of \$380.00.

2. The Defendant shall pay the Office of the Attorney General civil penalties for Defendant's violations of the Professional Fundraiser Consultant and Solicitor Registration Act, pursuant to Ind. Code §23-7-8-8(c), in the amount of \$6,500.00.

For a total monetary judgment in the amount of \$6,880.00 in favor of the Plaintiff, State of Indiana, and against the Defendant, ACS, International, Inc.

ALL ORDERED, ADJUDGED AND DECREED on this 14 day of January 2003.

RECOMMENDED FOR APPROVAL

Bennett Candio
Judge, Marion Superior Court

APPROVED AND SO ORDERED

Lyndee J. Myers
JUDGE, MARION SUPERIOR COURT IV

DISTRIBUTION:

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RECEIVED
JAN 16 2003
CLERK OF COURT
MARION SUPERIOR COURT